

**ORDINANCE NO. 1749**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING  
HAWTHORNE MUNICIPAL CODE CHAPTER 8.50  
ENTITLED, "STORM WATER AND URBAN RUNOFF  
POLLUTION CONTROL"**

**The City Council of the City of Hawthorne, California, finds and declares as follows:**

- 1. Under the provisions of the Porter-Cologne Act, the State Water Resources Control Board (SWRCB) and nine regional quality control boards adopt policies and plans relating to water quality control in the state, which together comprise the uniform water quality guidelines for California; and**
- 2. These boards also implement portions of the federal Water Pollution Control Act, as amended (the Clean Water Act), and administer the National Pollutant Discharge Elimination System (NPDES) permit program; and**
- 3. In July 1996, the California Regional Water Quality Control Board, Los Angeles Region, issued a municipal separate storm sewer system permit Order No. 96-054 (Los Angeles County MS4 Permit) to the County of Los Angeles, as Principal Permittee, and eighty-five incorporated cities, including the City of Hawthorne, as co-permittees to control and minimize the discharge of pollutants associated with storm water and urban runoff; and**
- 4. On March 9, 1998, the City Council of the City of Hawthorne adopted Ordinance No. 1647, adding Chapter 8.50 of the Hawthorne Municipal Code relating to Storm Water and urban Runoff Pollution Control; and**
- 5. On January 26, 2000, the Regional Board adopted Board Resolution No. R-00-02, approving the Standard Urban Storm Water Mitigation Plan (SUSMP); and**
- 6. On August 28, 2000, the City Council of the City of Hawthorne adopted Ordinance No. 1697, amending Chapter 8.50 of the Hawthorne Municipal Code pertaining to the Standard Urban Storm water Mitigation Plans; and**
- 7. In December 2001, the Regional Board adopted Order No. 01-182, which replaced Order No. 96-054 as the Los Angeles County MS4 Permit; and**
- 8. In accordance with Order No. 01-182, all Los Angeles County permittees have until August 1, 2002, to adopt and September 2, 2002, to implement the Board's revised SUSMP requirements.**

9. It is thus necessary for the City of Hawthorne to effect this amendment to the HMC in order to effectively comply with the provision of the State Water Resources Control Board and the Los Angeles County Regional Control Board in order to implement portions of the federal Water Pollution Control Act and therefore this amendment is necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Hawthorne, the County of Los Angeles and the State of California.

**THE CITY COUNCIL OF THE CITY OF HAWTHORNE DOES HEREBY  
ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 8.50 of the Hawthorne Municipal Code is hereby amended as follows.

SECTION 2. The prefatory index of Chapter 8.50 is hereby amended as follows:

**"Chapter 8.50**

**STORM WATER AND URBAN RUNOFF POLLUTION CONTROL**

**Sections:**

8.50.010	Definitions.
8.50.020	Illicit Discharges.
8.50.030	Illicit Connections.
8.50.040	Control of Pollutants from Sites of Industrial Activity
8.50.050	Spills, Dumping and Disposal
8.50.060	Best Management Practices.
8.50.070	Construction Storm Water Measures.
8.50.080	Violation.
8.50.090	Notices of Violation --- Administrative Orders.
8.50.100	Nuisance.
8.50.110	Remedies not Exclusive.
8.50.120	Inspections --- Searches.
8.50.130	Fees.
8.50.140	<del>Construction Activities</del> --- Regulatory Compliance
8.50.150	Application Of Best Management Practices To Construction Activities and

	Construction Sites.
8.50.160	Certification Of Compliance With Best Management Practices Prior To Issuance Of Building Or Grading Permit.
8.50.170	<del>Requirements For Post-Construction Pollution Reduction.</del>
8.50.180	<del>Requirements For Plan Review and Approval.</del>
8.50.190	<del>Requirements For Stormwater Treatment Control Permit Reserved</del>
8.50.200	<del>Construction Installation &amp; Maintenance Requirements</del>
8.50.210	<del>Waiver For Post Construction Structural Or Treatment Control Best Management Practices. <u>Reserved</u></del>
8.50.220	<del>Construction Inspection Requirements To Ensure Compliance</del>

SECTION 3. Section 8.50.010 of the Hawthorne Municipal Code is hereby amended as follows:

#### 8.50.010 DEFINITIONS

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles, (RWQCB-LA) as such permits may be amended from time to time.

- A. "Automotive repair shop" ~~means shall mean~~ a facility that is categorized in any one of the following Standard Industrial Classifications (SIC) codes: 5013 (Motor Vehicle Supplies and New Parts), 5014 (Tires and Tubes), 5541 (Gasoline Service Stations), 7532-7534 (Automotive Repair Shops, including: Top, Body, and Upholstery Repair

Shops and Paint Shops, Automotive Exhaust System Repair Shops and/or Tire Retreading and Repair Shops), or 7536-7539 (Automotive Glass Replacement Shops, Automotive Transmission Repair Shops, General Automotive Repair Shops, Air-Conditioner, Axle, Brake, Carburetor, Electrical and Repairs Shops).

B. "Best Management Practices (BMP)" or "BMPs" means ~~shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce Pollutants in discharges. BMPs include, but are not limited to, public education and outreach, proper planning of development projects, proper clean out of catch basins, and proper waste handling and disposal methods,~~ measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

C. "Commercial Development" ~~shall means~~ any development on private land that is not heavy industrial or single family residential. This category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-family residential buildings, apartments, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

D. —“Construction” means constructing, clearing, grading, structure teardown, or excavation that results in soil disturbance. It does not include projects solely involving: routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of facility, or emergency construction activities required to immediately protect public health and safety, or interior remodeling or mechanical, electrical and sign permit work.

~~Construction Exempt Projects: Construction projects solely involving: routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of facility, or Emergency construction activities required to immediately protect public health and safety, or interior remodeling or Mechanical, electrical and sign permit work.~~

E. “Directly Connected Impervious Area (DCIA)” means the area covered by a building, impermeable pavement, and/ or other impervious surfaces, which drains into the storm drain system without first flowing across permeable land area (e.g. lawns).

“Development” means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

F.F."Discharge" shall mean any release, spill, leak, pump, flow, escape, dumping or disposal into the environment, including waters of the United States, and City's MS4, of any Pollutant.

~~G. "Discretionary Project" means a project which requires the exercise of judgment or deliberation when the public agency or public body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.~~

H.G. "Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

I.H. "Discharging Directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

~~J.I. "Environmentally Sensitive Area" means an area designated as an area of special biological significance by the City using as reference the State Water Resources Control Board (*Water Quality Control Plan, Los Angeles Region; Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (1994) and amendments) or an area designated as an area of ecological significance by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning* (1976) and amendments) or an area designated as a significant natural area by the California Resources Agency. Projects within, adjacent to, or discharging directly~~

~~to an environmentally sensitive area are those projects requiring Planning Department approval of a site plan and the issuance of a building or grading permit which are:~~  
~~located within, adjacent to or having a privately owned stormwater conveyance system~~  
~~discharging directly onto an Environmentally Sensitive Area, in which plant or animal~~  
~~life or their habitats are either rare or especially valuable because of their special nature~~  
~~or role in an ecosystem and which would be easily disturbed or degraded by human~~  
~~activities and developments (California Public Resources Code § 30107.5). Areas~~  
~~subject to storm water mitigation requirements are: areas designated as Significant~~  
~~Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas~~  
~~Study, Los Angeles County Department of Regional Planning (1976) and amendments);~~  
~~an area designated as a Significant Natural Area by the California Department of Fish~~  
~~and Game's Significant Natural Areas Program, provided that area has been field~~  
~~verified by the Department of Fish and Game; an area listed in the Basin Plan as~~  
~~supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and~~  
~~an area identified by a Permittee as environmentally sensitive.~~

I. ~~"Greater than 9-unit home subdivision" means any subdivision being developed for 10~~  
~~or more single-family dwelling units.~~

J.K. "Hillside" means property located in an area with known erosive soil conditions, where  
the developer contemplates grading on any natural slope that is twenty-five percent or greater  
and where grading contemplates cut or fill slopes.

~~K-K.L.~~ "Illicit Connection" shall mean any device or artifice, excluding roof drains and other similar connections, into the Municipal Separate Storm Sewer System, without a permit, through or by which an Illicit Discharge may be discharged.

L. M. "Illicit Discharge" shall means any discharge to the MS4 that is not composed entirely of ~~Sstorm-Wwater~~ except discharges pursuant to an NPDES permit, discharges which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA, and discharges resulting from fire fighting activities. "Illicit Discharge" includes, but is not limited to the discharge of ~~untreated~~ wash waters from cleaning gas stations, auto repair garages and similar automotive repair facilities;; ~~untreated~~ the discharge of wastewaters from mobile auto washing, steam cleaning and mobile carpet cleaning, ~~untreated-discharges~~ the discharge of runoff from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, are undertaken;; ~~discharges-of-untreated~~the discharge of -runoff to the MS4 from storage areas of materials containing grease, oil, or other-hazardous substances, and uncovered receptacles containing hazardous materials;;the discharge of chlorinated/brominated swimming pool water and filter backwash; ~~untreated~~ the discharge of runoff from the washing of toxic materials from paved or unpaved areas;; the discharge of ~~untreated~~ runoff from washing impervious surfaces at sites of industrial activity, ~~unless specifically required by State or local health and safety codes,~~ and the discharge of concrete or cement laden wash water from washing-out-of



concrete trucks, pumps, tools, and equipment discharged to the MS4; and the dumping or disposal of materials into the MS4 other than storm water, such as 1.) litter, landscape debris and construction debris; 2.) any state or federally banned or unregistered pesticides; 3.) food and food processing wastes; and 4.) fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality.

N.M. "Infiltration" means the downward entry of water into the surface of the soil.

~~N.~~—O.N.. "Municipal Separate Storm Sewer System" or "MS4" shall mean a conveyance or system of conveyances, including municipal streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained or controlled by City and used for the purpose of collecting, storing, transporting or disposing of Storm Water.

~~O.~~—P.O.. "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision.

~~P.~~—Q.P. "NonStorm Water Discharge" shall mean any discharge to a municipal storm sewer system that is not composed of Storm Water. See "Illicit Discharge" as defined in this section above.

~~Q.~~—R.Q. "NPDES" shall mean "National Pollutant Discharge Elimination System" established by Section 402 of the Clean Water Act, 33 U.S.C. Section 1342, as it, from

time to time, may be amended.

~~R~~—§R. "100,000 Square Foot Commercial Development" means any commercial development that creates at least 100,000 square feet of impermeable area, including parking areas.

~~T.S.~~ "100,000 Square Foot Industrial Development" means any industrial development that creates at least 100,000 square feet of impermeable area including parking areas.

~~U.T.~~ "Parking Lot" means land area or facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with an improved lot size of 5,000 square feet or more, or with 25 or more parking spaces potentially exposed to rainwater.

~~V.U.~~ "Pollutant" shall mean a "Pollutant" as defined in Section 502(6) of the Clean Water Act, 33 U.S.C. Section 1362(6) or incorporated into California Water Code Section 13373, discharged into water but shall not mean uncontaminated Storm Water, potable water or reclaimed water generated by a lawfully permitted water treatment facility, or any substance, the discharge of which into the MS4, through Best Management Practices, has been reduced to the maximum extent practicable. Subject to the foregoing, "Pollutant" also includes but is not limited to untreated wash waters from gas stations, auto repair garages and similar automotive repair facilities, untreated wastewaters from mobile auto washing, steam cleaning and mobile carpet cleaning, discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken, discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and

uncovered-receptacles containing hazardous materials, commercial/municipal swimming pool filter backwash, untreated runoff from the washing of toxic materials from paved or unpaved areas, discharge of untreated runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by state or local health and safety codes, discharge from washing out of concrete trucks, or solid waste, discharged to the MS4.

~~W.V. "Priority Planning Projects" means any a) Single family hillside residences, b) 100,000 square foot or greater commercial developments, c) Automotive repair shops, d) Retail gasoline outlets, e) Restaurants, f) Home subdivisions with 10 to 99 housing units, g) Home subdivisions with 100 or more housing units, h) Locations within or adjacent to or directly discharging to an environmentally sensitive area, and i) Parking Lots.~~

~~X. "Priority Planning Project Characteristics" means any project that has the following as any part of the project: a) Vehicle or equipment fueling area, b) Vehicle or equipment maintenance areas, including washing, c) Commercial or industrial waste handling or storage, excluding typical office or household wastes, d) Outdoor handling or storage of hazardous materials or waste, e) Projects on hillsides with slopes greater than 25%, f) Outdoor work areas for activities such as, but not limited to: welding, cutting, metal fabrication, assembly, application of paints, coating, or finishing, pre-cast concrete fabrication, g) 100,000 square foot or greater industrial development, h) Outdoor animal confinement (kennels, stables, etc.)~~

W. "Planning Priority Projects" means those projects that are required to incorporate appropriate storm water mitigation measures into the design plan for their respective

project. These types of projects include:

1. Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments)
2. A 100,000 or more square feet of impervious surface area industrial/commercial development (1 acre or more starting on March 10, 2003)
3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539)
4. Retail gasoline outlets
5. Restaurants (SIC 5812)
6. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces
7. Redevelopment projects in subject categories that meet Redevelopment thresholds
8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and
9. Those projects that require the implementation of a site-specific plan to mitigate post-development storm water for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development storm water quality, where the following project characteristics exist:
  - a) Vehicle or equipment fueling areas;
  - b) Vehicle or equipment maintenance areas, including washing and repair;
  - c) Commercial or industrial waste handling or storage;
  - d) Outdoor handling or storage of hazardous materials;
  - e) Outdoor manufacturing areas;
  - f) Outdoor food handling or processing;
  - g) Outdoor animal care, confinement, or slaughter; or
  - h) Outdoor horticulture activities.

X ~~"Redevelopment" means, on an already existing developed site, the creation or addition of at least 5,000 square feet of impervious surfaces or the creation or addition of fifty percent or more of impervious surfaces or the making of improvements to fifty percent or more of the existing structure. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of routine maintenance activity, and land disturbing activities related with~~

~~structural or impervious surfaces. Redevelopment: land disturbing activity that results in the creation, addition, or replacement of at least five thousand square feet or more of impervious surfaces on an already developed site. Redevelopment includes, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original lines and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety. Existing single-family structures are exempt from the redevelopment requirements.~~

Y.W. "Restaurant" means a ~~stand-alone~~ facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

Z.X. "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils as its primary function. (SIC code 7538).

AA.Y. "Solid Waste" shall have the meaning ascribed by Public Resources Code Section 40191, as it, from time to time, may be amended.

BB.Z. "Source Control BMP" means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

~~CC.AA.~~ "Storm Event" means a rainfall event that produces more than 0.1 inch of precipitation, which is separated from the previous storm event by at least 72 hours of dry weather.

~~BB.CC.~~ "Storm Water" shall mean Storm Water runoff, snow melt runoff, and surface runoff and drainage.

~~DD.BB.~~ "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g., canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

~~EE.CC.~~ "Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

~~FF.DD.~~ "Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

SECTION 4. Section 8.50.140 of the Hawthorne Municipal Code is hereby amended as follows:

8.50.140      ~~Construction Activities Regulatory Compliance~~      **REGULATORY COMPLIANCE**

A. All persons engaged in construction activities shall operate in compliance with all stormwater discharge requirements of the United States Environmental Protection Agency, the California State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region. Proof of compliance may be required by the City in a form acceptable to the City Manager, ~~Public Works Director, Planning Director, Director of Building & Safety or duly authorized representative~~ or duly authorized representative thereof prior to the issuance of any grading or building permit.

B. All persons engaged in construction activity within the City requiring a State General construction activities stormwater permit shall have at the site at all times and available for review during regular business hours all of the following:

1. A copy of the Notice of Intent for the State Construction Activities Stormwater General Permit.
2. The Waste Discharge Identification number issued by the State Water Resources Control Board.
3. Copies of the Stormwater Pollution Prevention Plan and the Stormwater Monitoring Plan as required by the State Construction Activities Stormwater General Permit.

~~Fees to recover the plan checking, inspections and other costs of this program will be established by resolution of the City Council.~~

C. Construction projects equal to or greater than 1 acre, but less than 5 acres shall

prepare and submit a Local Storm Water Pollution Prevention Plan consistent with the most recent Countywide Development planning Model Program and Municipal NPDES Permit to the City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan approval, entitlement of use, or grading or building permits.

**D.** Storm water runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:

- a Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
- b Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
- c Between October 1 and April 15, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.
- d No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle



of equipment on the construction site is permitted to run off the construction site and enter the municipal storm water system.

- e. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.
- f. Erosion from slopes and channels must be controlled through the effective combination of Best Management Practices.

**SECTION 5.** Section 8.50.170 of the Hawthorne Municipal Code is hereby amended as follows:

**8.50.170 Requirements—For POST-CONSTRUCTION POLLUTION REDUCTION.**

A. All applicants for ~~new-development-and-redevelopment~~Planning Priority P projects shall implement BMPs into the design and construction of the project to reduce pollutants in post construction storm water runoff to the maximum extent practicable. All applicants for such projects shall apply the following best management practices to all projects within the city

1 **Businesses**

- i. All yard drains and catch basins draining to the street or storm drain shall be stenciled or labeled with the "No Dumping-Drains to Ocean" logo or equivalent.

- ii. Roof downspouts must not be directed to trash enclosures or material storage areas. Downspouts shall discharge to gravel or heavily vegetated areas where feasible.
- iii. Trash bins must be screened or walled. Runoff water shall be diverted around trash areas to avoid flow through. Trash enclosure drainage shall be directed to vegetated areas where feasible.
- iv. No hoses, hose bibs or faucets shall be located outside except in landscaped areas or as needed for fire protection.
- v. The discharge point from any truck well sumps must discharge into a vegetative area. ~~or equivalent structural BMP prior to discharge to the street or storm drain system.~~ The vegetative area must be equivalent in size to the horizontal area of the truck ramp. ~~Direct connections from truck well sumps to underground storm drains are not permitted.~~
- vi. Any water from washing vehicles or equipment shall be discharged to the sanitary sewer system through proper pretreatment facilities.
- vii. All outdoor storage areas must be equipped with adequate secondary containment or other equivalent measures to reduce contamination of runoff. This applies to the storage of both hazardous and non-hazardous materials both solids and liquids.

## 2 Residential

- i. All private yard drains and catch basins draining to the street or storm drain with grates or openings greater than or equal to 113 square inches (12 inch circle) must be stenciled or labeled with the "No Dumping-Drains to Ocean" logo or equivalent.

- ~~i. Downspouts shall discharge to gravel or heavily vegetated areas.~~
- ~~ii. Priority shall be given to replacing cleared or graded areas with native or drought-tolerant plants.~~
- ~~iii. Waiver. Specific BMPs for non Priority Planning or projects with Priority Project Characteristics may be waived if the developer can demonstrate the implementation will be a physical or economic impossibility or that they will bring the project into irreconcilable conflict with other City requirements. All such requests for waivers must be in writing and approved by the City Manager or authorized designee thereof.~~

B. All applicants for new development ~~Priority Planning Projects~~ and redevelopment and priority projects ~~Priority Planning Projects~~ shall submit an urban storm water mitigation plan consistent with the most recent version of the Countywide Development Planning Model Program to the ~~Director of Public Works~~ City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan approval, entitlement of use, or grading or building permits. ~~Fees to recover the plan checking, inspections and other costs of~~

~~this program will be established by resolution of the City Council. Projects involving a single family hillside home shall be required to do the following:~~

- Conserve natural areas;
- Protect slopes and channels;
- Provide storm drain system stenciling and signage;
- Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability; and direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

C. Where a redevelopment project results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development did not require a SUSMP at the time the last discretionary approval was granted by the city, the design standards set forth in the SUSMP will apply only to the addition, alternation to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not to the entire development. All applicants for new development and redevelopment projects not meeting the criteria of Priority Planning Projects but with Priority Planning Project Characteristics shall submit a site specific Urban Stormwater Mitigation Plan to the City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan approval, entitlement of use, or grading or building permits. The City Manager or duly authorized representative thereof shall establish criteria for

~~the preparation and submittal of the site-specific Urban Stormwater Mitigation Plan consistent with the goals of this chapter.~~

D. The Urban Storm Water Mitigation Plan shall address the following goals in connection with the long-term operation of the proposed project:

1. Minimize, to the maximum extent practicable, impacts from storm water runoff on the biological integrity of natural drainage systems and waterbodies in accordance with requirements under CEQA, Section 404 of the Clean Water Act, local ordinances and other applicable legal authorities.
2. Maximize, to the extent practicable, the percentage of permeable surfaces to allow more percolation of stormwater into the ground;
3. Minimize, to the extent practicable, the amount of storm water directed to impermeable areas and to the municipal separate storm sewer system;
4. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate Treatment Control BMPs ~~such as retention, infiltration~~ and good housekeeping;
5. Establish reasonable limits on clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain cases, the prohibition of bare soil; and
6. Provide for appropriate permanent measures to reduce storm water pollutant loads from the development site ~~to the maximum extent practicable.~~

7. ~~Provide for the installation of structural or treatment controls sufficient to meet the most recent version of the design standards as approved by the Executive Director of the Regional Water Quality Control Board, Los Angeles Region.~~ Properly design and maintain Treatment Control BMPs in a manner that does not promote the breeding of vectors.

8. Fees to recover the plan checking, inspections and other costs of this program will be established by resolution of the City Council.

E. Numerical Design Criteria: Post-construction Treatment Control BMPs for projects must incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

1) Volumetric Treatment Control BMP

- (a) The 85 th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*; or
- (b) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (1993)*; or

- (c) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; or
- (d) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85 th percentile 24-hour runoff event.

## 2) Flow Based Treatment Control BMP

- (a) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
- (b) The flow of runoff produced from a rain event equal to at least two times the 85 th percentile hourly rainfall intensity for Los Angeles County; or
- (c) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

F. Applicability of Numerical Design Criteria: The numeric design criteria listed above shall apply to the following categories of projects required to design and implement post-construction treatment controls to mitigate storm water pollution:

- a) Single-family hillside residential developments of one acre or more of surface area;
- b) Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;

- c) A 100,000 square feet or more impervious surface area industrial/ commercial development;
- d) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];
- e) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;
- f) Restaurants (SIC 5812) [5,000 square feet or more of surface area];
- g) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;
- h) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and
- i) Redevelopment projects in subject categories that meet Redevelopment thresholds.

SECTION 6. Section 8.50.180 of the Hawthorne Municipal Code is hereby amended as follows:

**8.50.180      Requirements For PLAN REVIEW AND APPROVAL.**

A.      Prior to the issuance of any building or grading permit for a new development project or redevelopment project, the City shall evaluate the proposed project's according to the following criteria: ~~potential impact:~~



1. ~~During construction activities the City shall evaluate the adequacy of the proposed Best Management Practices to mitigate the discharge of pollutants to the storm sewer system. The potential impact of post-construction discharges of pollutants to the storm sewer system;~~
2. ~~The City shall evaluate the adequacy of the proposed Best Management Practices to mitigate the discharge of pollutants to the storm sewer system during the post-construction phase. Of how well the Urban Stormwater Mitigation Plans and Pollution prevention Plans and other supporting information meet the goals of this chapter.~~
3. ~~The City shall evaluate the adequacy of the Urban Stormwater Mitigation Plans and Pollution Prevention Plans and other supporting information required to meet the goals of this chapter. Each plan will be evaluated on its own merits according to the site characteristics of each project site. Plans submitted to the city for review must address the entire proposed project area. Based upon the review, the City Manager, Public Works Director, Director of Planning, Director of Building & Safety or duly authorized representative thereof may impose additional conditions on the issuance of the Planning Department approval or building of grading permits in order to minimize the discharge of pollutants into the storm drain system.~~

B. ~~The City Manager, Public Works Director, Director of Planning, Director of Building & Safety or duly authorized representative thereof may establish uniform minimum~~

standards and criteria for the application of such standards for treatment of stormwater. The provision of the section shall not prohibit the requirement of for additional treatment to accomplish the goals of this section. ~~Fees to recover the plan checking, inspections and other costs of this program will be established by resolution of the City Council.~~

C. ~~The City Manager, Public Works Director, Director of Planning, Director of Building & Safety~~ or duly authorized representative thereof shall approve or disapprove of the Urban Stormwater Mitigation Plan or Pollution Prevention plan within 30 days of submittal. If disapproved, the reasons for disapproval shall be given to the applicant in writing. Any plan disapproved may be revised and resubmitted for approval.

D. ~~D.~~ If no permit has been issued or no construction begun within 180 days of approval of an Urban Stormwater Mitigation Plan ~~or Pollution Prevention Plan~~, the Urban Stormwater Mitigation Plan ~~or Pollution Prevention Plan~~ for that project shall expire. The City Manager or duly authorized representative thereof may extend the time for action by the applicant upon written request by the applicant showing that the circumstances beyond the control of the applicant prevented the construction from beginning.

SECTION 6. Section 8.50.190 of the Hawthorne Municipal Code is hereby repealed in its entirety.

SECTION 7. Section 8.50.200 of the Hawthorne Municipal Code is hereby amended as follows:

## 8.50.200 ~~Construction~~ INSTALLATION & MAINTENANCE

### REQUIREMENTS

- A. Structural and Treatment Control Best Management Practices must be implemented and installed as shown on the approved plans. All systems shall be constructed and installed in such a manner to permit convenient and safe access for perpetual inspection and maintenance.
- B. Any person, firm, partnership, corporation and their agents, heirs and successors who own, operate or maintain Treatment Control Best Management Practices, including, but not limited to clarifiers, sediment ponds, and filters shall maintain the systems in good working order at all times.
- C. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMP's shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) to replace an existing structural or treatment control BMP with new control measures or BMP's meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMP's at least once a year and retain proof of inspection.

D. For residential properties where the structural or treatment control BMP's are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&R's). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

~~Fees to recover the plan checking, inspections and other costs of this program will be established by resolution of the City Council.~~

SECTION 8. Section 8.50.210 of the Hawthorne Municipal Code is hereby repealed in its entirety

SECTION 9. Section 8.50.220 of the Hawthorne Municipal Code is hereby amended as follows:

**8.50.220      Construction INSPECTION Requirement To Ensure Compliance**

A. The City Manager or duly authorized representative thereof may enter and inspect any private premises during any reasonable time for the purpose of verifying compliance with the terms and conditions of this chapter. Such inspections may include but are not limited to:

1. Inspecting efficiency or adequacy of construction or post construction BMPs.

2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges.
3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems.
4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant.
5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.
6. **FEES - Fees to recover the plan checking, inspections and other costs of this program will be established by resolution of the City Council.**

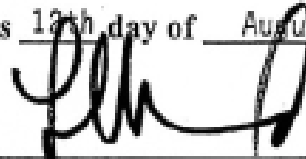
**SECTION 10.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 11.** The City Clerk shall certify to the passage and adoption of this Ordinance

and shall cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Hawthorne, or if there is none, she shall cause it to be posted in at least three public places in the City of Hawthorne, California.


SECTION 12. Ordinance No. 1749 (Urgency) and 1753 (Non Urgency Ordinance) are identical except for the urgency provision contained in Ordinance No. 1749. Both ordinances seek to amend Chapter 8.50 of the Hawthorne Municipal Code. Ordinance No. 1753 is the "back-up" ordinance of Ordinance No. 1749 in the event that the urgency clause in Ordinance No. 1749 is successfully challenged. Therefore, Ordinance No. 1753 is effective only if Ordinance No. 1753 is found to be unenforceable for any reason.

PASSED, APPROVED and ADOPTED this 12<sup>th</sup> day of August, 2002




Larry M. Guidi, Mayor  
City of Hawthorne, California

ATTEST:



DANIEL D. JUAREZ, C.M.C./AAE  
City of Hawthorne, California

APPROVED AS TO FORM:



Glen E. Shishido, City Attorney  
City of Hawthorne, California

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE     )

I, Monica Dicrisci, the duly appointed Deputy City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Urgency Ordinance, being Urgency Ordinance No. 1749 was duly adopted by the City Council of the City of Hawthorne, at their regular meeting of the City Council held **August 12, 2002** and that it was adopted by the following vote, to wit:

AYES: Councilmembers Catano, Lambert, Parsons, Schoenfeld,  
Mayor Guidi.

NOES: None.

ABSTAIN: None.

ABSENT: None.

  
Deputy City Clerk  
City of Hawthorne, California